

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 2-3 and 7-8 are cancelled, claims 1, 4-6, and 9-10 remain in this application as amended herein, and claims 11-13 are added. Accordingly, claims 1, 4-6, and 9-13 are submitted for the Examiner's reconsideration.

In the Office Action, claims 1, 4-6 and 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ro (U.S. Patent Application Publication No. 2002/0150123) in view of Kim (U.S. Patent No. 5,859,846) and Terao (U.S. Patent No. 7,187,844). Applicants submit that the claims are patentably distinguishable over the relied on sections of the references.

As amended herein, claim 1 recites:

input means for inputting data that includes video data;

encoding means for encoding the data input by the input means;

storage means for storing encoded data generated by the encoding means;

...

in which the encoding means stops an encoding process when an area occupied by data in the storage means is larger than a predetermined value, and performs the encoding process when the area occupied by the data in the storage means is smaller than the predetermined value[.]

(Emphasis added.) Neither the relied on sections of Ro, the relied on sections of Kim, nor the relied on sections of Terao disclose or suggest stopping an encoding process (for encoding data that includes video data) when an area occupied by data in a storage means is larger than a predetermined value. Moreover, neither the relied on sections of Ro, the relied on sections of Kim, nor the relied on sections of Terao disclose or suggest performing an encoding process (for encoding data that includes video data) when

an area occupied by data in a storage means is smaller than a predetermined value.

It follows, for at least these reasons, that neither the relied on sections of Ro, the relied on sections of Kim, nor the relied on sections of Terao, whether taken alone or in combination, disclose or suggest the apparatus set out in claim 1. Claim 1 is therefore patentably distinct and unobvious over the relied on sections of the references.

Independent claims 6 and 10 each call for features similar to those set out in the above excerpt of claim 1. Claims 6 and 10 are therefore each patentably distinct and unobvious over the relied on sections of Ro, Kim, and Terao at least for the same reasons.

Claims 4 and 5 depend from claim 1, and claim 9 depends from claim 6. Therefore, each of these claims is distinguishable over the relied on art for at least the same reasons as the claim from which it depends.

Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 103(a).

New claim 11 depends from claim 1, new claim 12 depends from claim 6, and new claim 13 depends from claim 10. Therefore, each of these claims is distinguishable over the relied on art for at least the same reasons. Support for new claims 11-13 is found at, e.g., Figs. 6 and pages 17-18 of the specification.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone

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applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,
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